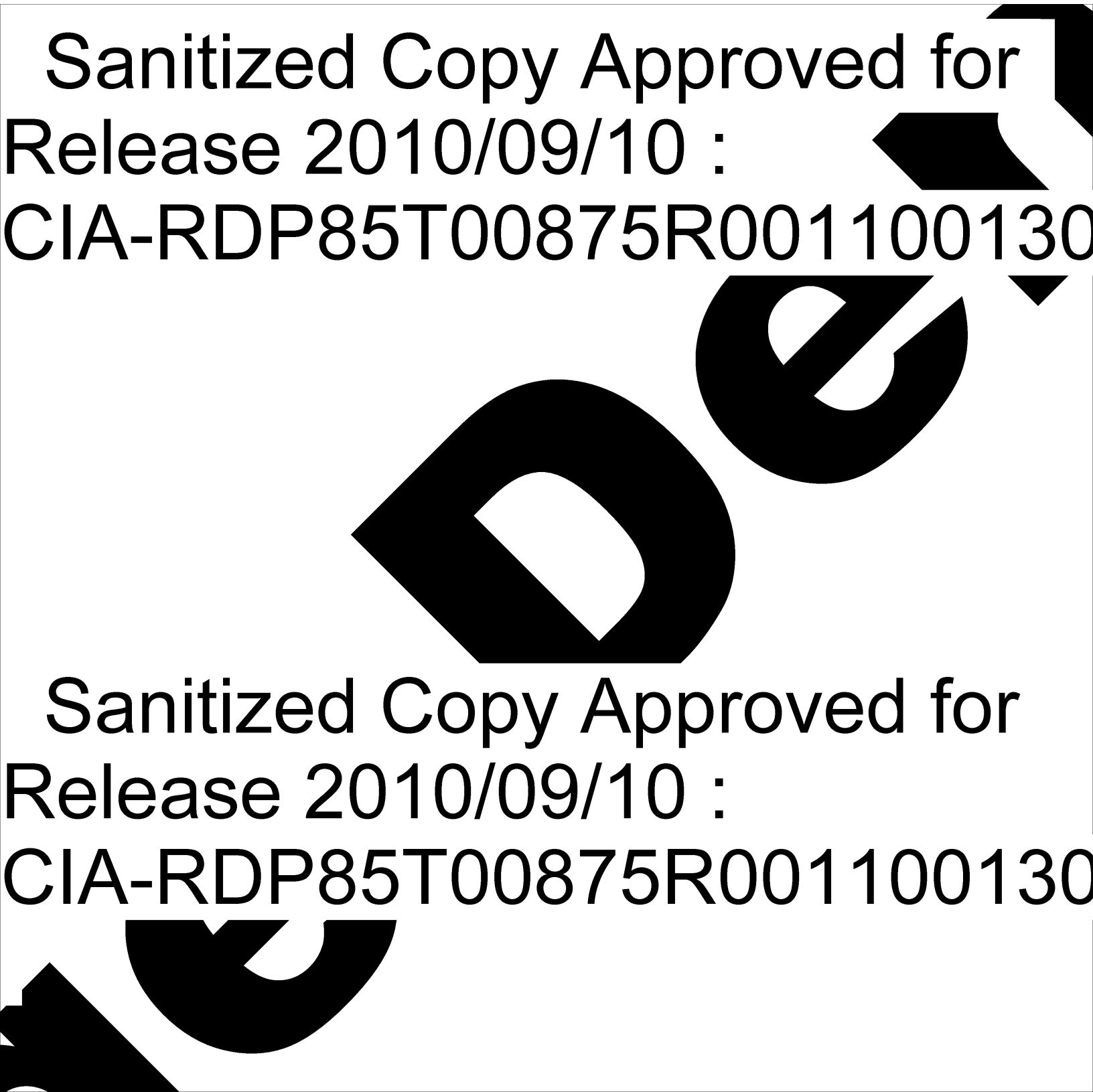

Sanitized Copy Approved for Release 2010/09/10 : CIA-RDP85T00875R001100130

25X1

Secret

DIRECTORATE OF
INTELLIGENCE

Intelligence Memorandum

Inter-German Detente—The View from Pankow

Secret

88

22 September 1972
No. 2070/72

25X1

CENTRAL INTELLIGENCE AGENCY
Directorate of Intelligence
22 September 1972

INTELLIGENCE MEMORANDUM

Inter-German Detente—The View from Pankow

On 16-17 August, Michael Kohl and Egon Bahr met to begin a biweekly series of formal negotiations to normalize the relations between the German Democratic Republic and the Federal Republic of Germany. The session—the first on inter-German detente since the ill-fated summit meetings between Chancellor Brandt and Premier Stoph at Erfurt and Kassel in March and May 1970—was preceded by four meetings, beginning in June, during which the two negotiators carried on a "preliminary exchange of views." Neither side has committed itself to a course of action, but a general understanding on the major obstacles to detente was reached as was a tacit agreement that the two governments seek a basic treaty defining inter-German relations and assume equal rights under international law, including joint membership in the UN.

From the beginning of these talks in June, Pankow has held the initiative, both at the bargaining table and in the media. The East Germans have introduced two generally inoffensive treaty drafts and have made occasional gestures of good will ostensibly designed to encourage fruitful discussion. Their negotiating style may have given them some psychological advantage, but primarily it reflects the East Germans' sensitivity to their inferior international status vis-a-vis Bonn and their ultimate subordination to Soviet interests. The West Germans have chosen to assume the role of respondent, hearing the East Germans out, then countering quickly with an exposition of West German views.

Both sides appear ready for a modus vivendi that would ease the German problem that has bedeviled Europe since World War II. But, under the best of circumstances, there is much hard bargaining ahead, and not all inter-German problems will be put to rest. The talks have been complicated by the uncertainties surrounding the election campaign in West Germany—a campaign that will focus public attention on the benefits and liabilities of Brandt's *Ostpolitik*.

Note: This memorandum was prepared by the Office of Current Intelligence and coordinated within CIA.

25X1

25X1

The Warsaw Pact states at their summit meeting on 31 July reportedly decided to help Brandt in his bid for re-election. Although East Germany has signaled its acceptance of this decision, there is no evidence that it will be pushed by its allies to make major concessions to the West Germans. The completion of an inter-German treaty may have to await the West German elections in late November or early December, although both sides have expressed hope that it can be concluded earlier.

25X1

The Setting

The principal task of East German first secretary Erich Honecker upon coming to power in May 1971 was to get East Germany's policies in Europe more closely in line with those of the Soviet Union. Fundamentally this involved accepting in principle Bonn's *Ostpolitik*, changing the East German image of spoiler in European detente, and paying the price for ratification of West Germany's treaties with Moscow and Warsaw. This was a bitter pill for many East German leaders, who for years had operated on the assumption that better relations between West Germany and the Communist states would endanger their own regime. With Walter Ulbricht gone, however, Pankow became an active, if sometimes hesitant, party to the 1971 Berlin accords and the 1972 general traffic treaty with Bonn.

Having swallowed the pill, the Honecker regime has sought to ensure that it was, as far as possible, in control of its own actions and that East German interests were protected. It is apparent that, unlike his predecessor, Honecker sees in *Ostpolitik* an opportunity for East Germany to gain the international status that has eluded it for so long. In the two years since the stillborn efforts at Erfurt and Kassel to achieve inter-German detente, Pankow has come around to Bonn's view that inter-German accord is a necessary prerequisite to East German membership in the UN and other international bodies.

The East Germans believe that in accepting *Ostpolitik* they have met the main Soviet requirement and have earned the right to move at their own pace. Pankow has cited its Berlin transit and inter-German traffic agreements with Bonn, along with its support of ratification of Bonn's Eastern treaties, as major contributions to detente, justifying its right to speak for itself in inter-German affairs. Soviet spokesmen have warned allied diplomats, moreover, not to expect Soviet interference in the inter-German talks. These circumstances suggest that the East Germans have considerable latitude in their present negotiations with Bonn, although Moscow will keep a close eye on the talks to ensure that the East Germans do not act in ways that would damage Moscow's detente policy.

When it became clear that formal talks would take place, Pankow initiated a protracted campaign to raise its status to that of an equal negotiating partner and to lay the groundwork for its negotiating positions.

Pankow claimed that through the Four Power Berlin agreement and the inter-German traffic treaty the Western powers, and West Germany, recognized the sovereignty of the German Democratic Republic with East Berlin as its capital. The East Germans also cited Bonn's treaties with Moscow and Warsaw as West German recognition of East Germany's borders, insisting that this recognition was unaltered by unilateral qualifying "resolutions" from the Bundestag. Pankow further asserted that through the Berlin accords and the communique following the US-Soviet summit, the Western allies have accepted a "special political status" for West Berlin. As a result, Pankow said, the talks would be between two sovereign and equal states.

The Issues

One Germany or Two

In the preliminary talks early in the summer, Bahr and Kohl quickly identified the big obstacles to a normalization of relations. Heading the list was the question of how to define the political relationship between the two states. Bonn contends that, in the absence of a World War II peace treaty, both Germanies enjoy only a limited sovereignty. Consequently, Bonn contends, there is a "special" inter-German relationship based on the existence of two German states within a single German nation. While the Brandt government is ready to acknowledge the de facto administrative independence of the GDR, it clings to the view that a legal basis for the eventual reunification of the two German states must be safeguarded.

Pankow categorically rejects Bonn's "single-nation" theory and insists that a basic treaty provide for the unconditional sovereignty of East Germany. Kohl argues that any reference to a single German nation or to a peace treaty would give a basic inter-German treaty a "temporary" and, therefore, unacceptable character. He reiterates Pankow's rationale that the divergence in the social systems of the two Germanies precludes unification. In this, Kohl is out on a limb. The East German constitution, rewritten in 1968, retains the reference to the "German nation," and 15 years earlier unification had been a Communist goal too. Ironically, Bahr is reluctant to point out this constitutional commitment lest the East Germans feel impelled to revise it.

At this point, short of outright capitulation by one side or the other, the most likely method of surmounting the problem would be to circumvent it through some broadly worded terminology that could be interpreted independently and that would have no practical effect on the international

status of either state. During the session in mid-August, Kohl suggested that a unilateral West German statement on the German nation issue might circumvent a deadlock. A precedent for such a solution was established during the ratification debate on the Eastern treaties last spring, when the Soviet Union officially acknowledged, without endorsing, a similar statement made by West German Foreign Minister Scheel at the time of signing the Bonn-Moscow treaty in August 1970. East Germany never challenged the Scheel statement and, on the basis of Kohl's remark, presumably would not do so if the tactic were used again. Pankow will, of course, continue to argue the invalidity of such concepts in its propaganda. Bonn has been reluctant to contemplate using the gambit again, because it believes that it must obtain explicit East German endorsement of the principle of German unity if it is to sell the resulting treaty to the West German public.

Four Power Rights

On the issue of Four Power rights the two negotiators appear less apart. They have recognized the necessity of acknowledging such rights in an inter-German treaty. The West Germans have long maintained that a reaffirmation of Four Power rights over Germany "as a whole" must accompany any inter-German accord. Apparently to forestall a stiff West German demand in the talks, Kohl included in his draft treaty a clause stating that international treaties and agreements previously concluded by the two Germanies or those that affect them would not be affected by an inter-German treaty. Such a clause would implicitly acknowledge the continuing validity of Potsdam and other Four Power agreements made during and following World War II. Although Bahr had demanded a more explicit reference to Four Power rights, he later commented that these rights need not be defined and that Bonn might be satisfied with wording similar to Kohl's.

The Western allies agree that a reaffirmation of Four Power rights is necessary to avoid any misapprehension that an inter-German agreement supersedes or diminishes Four Power rights in German matters. The Soviets have gradually moved toward accepting Western demands for a Four Power declaration reaffirming these rights. In response to an allied demarche to Moscow last June, Premier Kosygin avowed that Moscow would agree to no statement that interfered in East Germany's internal affairs or would "bind together" the two German states. More recently, however, Soviet Ambassador to East Germany Yefremov and other Soviet spokesmen have suggested that Moscow considers a declaration a negotiable topic.

Related to the question of one or two Germanies is the way Bahr and Kohl handle minor bilateral matters. While they agree that a basic treaty

is the first order of business, they are looking ahead to the problem of regulating the host of practical cross-border dealings. Bahr has outlined Bonn's view that the handling of day-to-day issues like tourist traffic, communications, trade, cultural relations, and family reunification should eventually be formalized through individual agreements. In seeking what promises to be a plethora of documentary accords, Bonn no doubt wants to get as many East German commitments as possible in writing and thus avoid misunderstandings similar to those that have marred the Berlin visitation agreements. On the other hand, the East Germans may view additional accords as another step toward manifesting the separateness of the German states. Kohl has not committed himself yet.

Pankow's International Position

Some acrimony in the otherwise businesslike talks was injected by Bonn's thus-far generally successful efforts to block East German accession to international organizations and to persuade third countries to withhold recognition of the East Germans. The rejection of East German participation in specialized agencies and other international forums in which West Germany is represented is particularly galling because it advertises Pankow's inferior diplomatic status. The East Germans were incensed last spring when Bonn blocked their admission to the World Health Organization and Stockholm Environmental Conference.

On the question of UN membership for the two Germanies, Bonn and Pankow agree that entry should be simultaneous, but they disagree on when. Whereas Pankow wants immediate entry, Bonn, in agreement with the Western allies, contends that UN membership must await completion of the inter-German negotiations and must be accompanied by a declaration of Four Power rights. The West Germans believe that waiting improves their bargaining position on the issues of sovereign equality and German unity. Meanwhile, the Soviets have warned that the subject of East German participation—or at least observer's status—will be brought up at the General Assembly. Finland's recent decision to recognize East Germany could provide a push to other non-Communist states to follow suit. Should a swarm of third countries recognize Pankow or should the North Koreans get in as observers, the East Germans might be hard to keep out.

Berlin

Another potentially troublesome issue, not yet raised in the talks, is the status of East Berlin. Continuing public assertions by East German leaders

that "Berlin" (i.e., East Berlin) is an integral part of East Germany added to Pankow's recent efforts to grant East Berlin deputies full representation in the East German legislature suggest that it may at some time press for a new understanding on the status of the city. Vestigial allied rights and military "presence" in East Berlin are irritants to Pankow and are contrary to its ideas of its sovereignty. Any East German attempt to secure full title to East Berlin would require Soviet support, however, and would directly involve the Four Powers.

Tactical Problems

Aware that agreement with West Germany is the key to coveted international recognition, Pankow is not likely to remain intransigent on any but the most vital issues. In fact, Kohl has made a considerable effort to keep the talks moving by tactical concessions and by agreeing to negotiate first on the easier issues. He quickly dropped a demand for an immediate exchange of ambassadors prior to formal negotiations. He acceded to Bonn's contention that self-determination for the German peoples and "human rights"—two of Bonn's major interests—should be discussed. And, when the "special relationship" issue threatened to impede the talks, Kohl even hinted that compromise on the issue might be possible.

The East Germans realize that their leverage is limited and that they will have to make compromises. The Western allies and the Soviets want the two Germanies to work out their own agreement, and the Four Powers will be reluctant to weigh in on issues that do not directly involve them.

External events, however, could have a marked bearing on how the talks unfold. Most importantly, Brandt's coalition government, weakened by the ratification debate on the Eastern treaties, faces national elections, probably in late November. The outcome, and the future of the Brandt government, is uncertain.

In this situation Pankow has several options. It could offer Brandt, through important concessions, a palatable treaty that might aid him in his re-election bid. East German leaders have made it abundantly clear that they would look with disfavor on a Christian Democratic government in Bonn. Pankow helped Brandt hurdle one Christian Democratic challenge when it agreed to certain of Bonn's demands during the bitter debates last spring on the Eastern treaties. Throwing Brandt to the wolves now would be a poor way to protect that investment. Yet Pankow also must face the fact that a treaty could be controversial in West Germany and could redound to

Brandt's disadvantage. Pankow could then find itself committed to normalizing relations with a West Germany led by a party it has likened to the Nazis.

Pankow could mark time and hope that Brandt makes it on his own. The disadvantage of this option is that the victor, whether Brandt or the opposition, might well emerge in a stronger domestic position and, thus, in a better negotiating position vis-a-vis Pankow.

Available evidence suggests that Pankow will choose to assist Brandt short of abandoning its basic positions. The strongest indication came out of the Warsaw Pact Crimean summit meeting on 31 July when, [redacted] it was decided that a Brandt victory was in the bloc's interests. An East German politburo statement on the summit included an unusually favorable comment on the "businesslike" Eastern policies of the "Brandt-Scheel government," a statement apparently designed to show East German acceptance of the Crimean decisions. Nevertheless, Pankow still feels that the concessions that would be most meaningful to Brandt are those that the East Germans least want to make. And Pankow is not being pushed by its allies to make major concessions just to get Brandt elected. 25X1 25X1

At the same time, the East Germans have signaled their flexibility on secondary issues. Kohl acceded to Bonn's demands for dealing with "self-determination" and "human rights" by including appropriate clauses in his revised draft treaty of 16 August. Pankow simultaneously began easing its requirements for visits of West Berliners to East Germany, an issue that has been in contention since the Berlin accords went into effect last May.

Complicating Pankow's negotiating problems is an apparent lack of complete agreement among the East German leadership on how to proceed. After decades of bitter confrontation with the West Germans, many "old guard" politicians within the SED hierarchy no doubt find it difficult to swallow inter-German detente. Kohl, not surprisingly, has alluded to the misgivings of such people in his talks with Bahr. This could be no more than a negotiating tactic on Kohl's part, but these feelings apparently do exist. For example, Foreign Minister Winzer's dogmatic behavior during a meeting with Bahr earlier in the summer may have been an effort to counterbalance what had been a forthcoming East German attitude in the negotiations. Any "old guard" influence on the talks should not be overestimated, however. While Honecker may feel constrained to heed residual anti - West German attitudes within his party, he does not appear overly burdened with factionalism.

Outlook

There is little doubt that Honecker would like to work out a *modus vivendi*, preferably with a Brandt government, and to reduce differences between East and West Germany as a source of tension in Europe. Having accepted the necessity and perhaps seeing the advantage of normalizing relations, Pankow has indicated that it is willing to negotiate in good faith. It seems embarked on a course that suggests it would like to see steady, if slow, progress toward a basic treaty and on the practical mechanics of regulating their interstate relationship.

Neither Bonn nor Pankow is predicting how long it will take to complete a treaty. Both sides are making an effort to finish the negotiations prior to the West German elections. The issues are such, though, that early success may not be forthcoming and the talks could carry over into 1973. In the meantime, the Honecker regime will press its domestic campaign of "Abgrenzung," i.e., the differences between capitalist West Germany and socialist East Germany. While seeking "peaceful coexistence" with the Federal Republic in order to advance East Germany's international acceptability, Honecker intends to see that the deep social and ideological rivalry continues.